

## REMARKS

### Claim Rejections

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollingsworth et al. (2003/0200379A1) in view of Mambakkam et al. (2003/0093606). Official Notice is taken that USB devices containing support for at least two types of flash media formats is old and well know.

It is noted that the reference to Mambakkum et al. was initially cited by the Examiner in the outstanding Final Office Action. Thus, this Amendment represents Applicant's initial opportunity to respond to the rejections based upon this reference

Applicant's claim 1 is directed toward, *inter alia*, a method of booting an operation system for a computer from a flash card plugged in **any socket** of an USB multi-card reader, wherein the firmware is programmed **to boot from more than one of the card sockets**. Claim 3 is further directed toward the aforementioned method in which the USB multi-card reader supports at least two types of cards and the firmware is programmed to boot the operating system from two or more types of said at least two types of cards.

In Hollingsworth et al., the solid state floppy disk drive disclosed is a flash disk having several partitions and each of them can be emulated itself as a floppy. The 1st partition contains a boot sector having a booting pattern and other sectors contains an operation system so that the operation system therein can be booted from the solid state floppy disk drive. Though the 1st partition may include a disk switch utility program or disk swap utility program, which allow the program in the second partitions to be run as if it was being loaded or accessed from a second disk or allow the emulated switching between any number of partitions or "disks", Hollingsworth et al. do not imply that the OS can be booted from the second partition.

By contrast, Applicant teaches that the computer booting can be from any slot number if the slot has a memory card having bootable pattern. Applicant would like to traverse the Examiner's assumption that booting an OS from the solid state floppy disk drive is the same as, or equivalent to, the booting from a memory card which is plugged at a slot of a card reader, particularly the card is not limited to be the first

slot. However, until now, multi-flash card readers did not support booting the OS from an arbitrary slot.

Hollingsworth et al. do not teach: a method of booting an operation system for a computer from a flash card plugged in any socket of an USB multi-card reader, wherein the firmware is programmed to boot from more than one of the card sockets. Hollingsworth et al. also fail to teach a method of booting an operation system for a computer from a flash card plugged in any socket of an USB multi-card reader in which the USB multi-card reader supports at least two types of cards and the firmware is programmed to boot the operating system from two or more types of said at least two types of cards.

Mambakkam et al. is cited as teaching a multi-card reader in Figures 3A and 3B in conjunction with the associated text. It is important to note that these cited portions do not teach anything about the ability to boot from any one of multiple card sockets.

Applicant does not believe that Mambakkam et al. teach: a method of booting an operation system for a computer from a flash card plugged in any socket of an USB multi-card reader, wherein the firmware is programmed to boot from more than one of the card sockets; or a method of booting an operation system for a computer from a flash card plugged in any socket of an USB multi-card reader in which the USB multi-card reader supports at least two types of cards and the firmware is programmed to boot the operating system from two or more types of said at least two types of cards.

The Examiner has made Official Notice that USB devices containing support for at least two types of flash formats is old and well known. In response, Applicant notes that Official Notice does not teach anything about the ability to boot from any one of these multiple slots.

Applicant does not think a multi-slots card reader is novel but the novelty is at the booting a computer from any slot, which has a flash card having booting pattern installed.

Applicant submits that the combination of the published applications of Hollingsworth and Mambakkam still cannot obtain the method of the present invention. Although the universal CF adapter, disclosed in Mambakkam, can read

many kinds of flash cards, it still needs a conventional multi-card reader or a single slot card reader. If it is a multi-card reader and the first logic unit number is not provided for CF card, then even if Mambakkam has a universal CF adapter, it can read the flash but still cannot boot a computer from it even if it has a booting pattern. Furthermore, if it is a single slot card reader, then it only supports one flash on the card reader. The present application supports over two flashes simultaneously.

Even if the teachings of Hollingsworth et al., Mambakkam et al., and Official Notice were combined, as suggested by the Examiner, the resultant combination does not suggest: a method of booting an operation system for a computer from a flash card plugged in any socket of an USB multi-card reader, wherein the firmware is programmed to boot from more than one of the card sockets. Nor does the combination suggest: the aforementioned method in which the USB multi-card reader supports at least two types of cards and the firmware is programmed to boot the operating system from two or more types of said at least two types of cards.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Hollingsworth et al., Mambakkam, or Official Notice that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Hollingsworth et al., Mambakkam, nor Official Notice disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant

Application No. 10/762,234

hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.


**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: June 28, 2006

By: \_\_\_\_\_

  
Bruce H. Troxell  
Reg. No. 26,592

TROXELL LAW OFFICE PLLC  
5205 Leesburg Pike, Suite 1404  
Falls Church, Virginia 22041  
Telephone: 703 575-2711  
Telefax: 703 575-2707

**CUSTOMER NUMBER: 40144**